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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,834	01/17/2001	Harold C. Fleischer III	P20344	4921
7055	7590	01/13/2004	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			MWANYOHA, SADIKI P	
			ART UNIT	PAPER NUMBER
			2642	7

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/760,834

Applicant(s)

FLEISCHER ET AL.

Examiner

Sadiki Mwanyoha

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/03/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The Amendment received October 31, 2003 has been considered by Examiner. Examiner acknowledges that the amendments to claims 1, 6-7, 12, and 16-23 are “unrelated to patentability” [see Applicant’s REMARKS p. 11]. Notwithstanding, the previous grounds for rejection of claims 1-23 have been maintained from those set forth in the Official Action of August 13, 2003.

#### *Claim Rejections - 35 USC § 103*

2. Claims 1-2, 4-7, 9-10, 12-16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,282,267 to Nolting in view of US patent 5,793,853 to Sbisa[1] and further in view of US patent 5,734,705 to Schlossman et. al.

3. Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting in view of Sbisa[1] and Schlossman and further in view of al and US patent app. US 20020090074A1 to Sbisa[2].

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting in view of Sbisa[1] and Schlossman and further in view of US patent 5,940,485 to Sapra et al.

Art Unit: 2642

5. Claims 11, 19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting in view of Sbisa[1] and Schlossman and in further view of US patent app. US 20020094070A1 to Mott et al.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting in view of Sbisa[1] and Schlossman and in further view of US patent 5,333,183 to Herbert.

### *Response to Arguments*

7. In response to Applicant's argument that Examiner's reliance on Sbisa (US patent 5,793,853) is misplaced, please consider the following.

Applicant has argued that SCP (16) taught by Sbisa "does not sample data to be used in an SMDR formatted report". On the contrary, according to the invention of Sbisa, switch (12) sends a message to SCP (16) identifying the requested services [see Sbisa col. 5, line 23]. Implicitly, the SCP (16) samples the data in this message and creates a CDR (i.e. SMDR formatted report).

Applicant has also argued that Sbisa does not teach "formatting sampled data as SMDR data". However, Sbisa teaches the merging of individual records into a single network record [see Sbisa col. 3, line 30]. Merging in this context reads on "formatting", since formatting may entail operations such as appending or concatenating, which are both associated with merging. And while Sbisa applies the merging (i.e. formatting) of network records to call detail record (i.e. CDR), as shown in the above referenced Office Action, Schlossman et al. teaches that a CDR is

Art Unit: 2642

an alternative reference to an SMDR, so application of such formatting for generating SMDR records would have been obvious over the prior art of reference [see Sbisal col. 1, line 19].

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

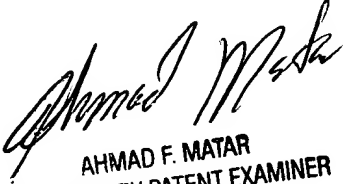
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sadiki Mwanyoha whose telephone number is 703-305-3417. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2642

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

spm

  
AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700